

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAWANDA GROVES, on behalf of
herself and all similarly situated,

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§

Plaintiff,

v.

§ CIVIL ACTION NO. _____

MATHESON TRI-GAS, INC.,

§
§
§
§
§

Defendant.

DEFENDANT'S NOTICE OF REMOVAL

Defendant Matheson Tri-Gas, Inc. (“Defendant”), by and through the undersigned counsel, files its Notice of Removal of this action from the 116th District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, the District and Division encompassing the state court in which this action is pending. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. In support thereof, Defendant respectfully shows this Court as follows:

A. State Court Litigation

1. Matheson Tri-Gas, Inc. is the Defendant in the case styled *Shawanda Groves, on behalf of herself and all similarly situated v. Matheson Tri-Gas, Inc.*, Cause No. DC-20-13072, which is currently pending in the 116th District Court of Dallas County, Texas (“State Court Litigation”).

B. Procedural Requirements

2. This action is properly removed to this Court, as the State Court Litigation is pending within this district and division pursuant to 42 U.S.C. §1446(a). See 28 U.S.C. §124(a)(1).

3. Pursuant to 28 U.S.C. §1446(a), this Notice of Removal is accompanied by copies of the following materials filed or served in the State Court Litigation:

Index of Documents Filed in the State Court Litigation

Exhibit A	State Court Docket Sheet
Exhibit B	Plaintiff's Petition
Exhibit C	Citation
Exhibit D	Return of Service

C. Timeliness of Removal

4. On September 14, 2020, Plaintiff Shawanda Groves ("Plaintiff") filed an Original Petition in the State Court Litigation (the "Complaint").

5. This removal is timely as it is filed within thirty (30) days after Defendant was served with the Complaint on October 5, 2020. 28 U.S.C. §1446(b)(1).

D. Grounds for Removal – Federal Question

6. This Court has original, federal question jurisdiction over this action under 28 U.S.C. § 1331 and it is an action which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(a). This action involves claims that arise under the laws of the United States. Specifically, Plaintiff claims that Defendant violated the Fair Labor Standards Act (29 U.S.C. § 201, *et seq.*). *See* Plaintiff's Complaint ¶¶ 3, 4, 5, 8, 10-13, 26-32.

7. This Court has jurisdiction over Plaintiff's state law claims which have been joined with those claims arising under its federal question jurisdiction pursuant to 28 U.S.C. § 1441(c), and supplemental jurisdiction over those claims pursuant to 28 U.S.C. 1337, because they are so related to claims in the action within the Court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

E. Notice to Parties and State Court

8. Upon filing of this Notice with the Federal District Court, Defendant will give notice of this filing to Plaintiff, and will also file a copy of this Notice with the Clerk of the 116th District Court of Dallas County, Texas, where the action is currently pending.

For these reasons, Defendant respectfully requests that the above-entitled action be removed to this Court.

Respectfully submitted,

By: /s/ Paul E. Hash
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of October, 2020, I electronically filed the foregoing document with the Clerk of the Court for the Northern District of Texas, using the CM/ECF system which will send notification of such filing to all counsel of record:

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/s/ Paul E. Hash _____
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